

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the
Accusation and Petition
to Revoke Probation Against:

NO. D-3465

JOHN A. FLOWERS, -M.D.
Certificate No. C-37121
Respondent.


DECISION

The attached Proposed Decision of the Medical Quality Review Committee is hereby adopted by the Division of Medical Quality of the Board of Medical Quality Assurance as its Decision in the above-entitled matter.

This Decision shall become effective on December 9, 1986.

IT IS SO ORDERED November 7, 1986.

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE


JOHN W. SIMMONS
Secretary-Treasurer

BEFORE THE DIVISION OF MEDICAL QUALITY

BOARD OF MEDICAL QUALITY ASSURANCE

STATE OF CALIFORNIA

In the Matter of the Accusation))
and Petition to Revoke))
Probation Against:)) No. D-3465
))
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JOHN A. FLOWERS, SR., M.D.)) L-37052
Certificate No. C-37121,))
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))
Respondent.))
_____))

DECISION

This matter came on regularly for hearing before a Panel of the District 11 Medical Quality Review Committee at Los Angeles, California, on August 19, 1986, at the hour of 9:00 a.m., with Marguerite C. Geftakys, Administrative Law Judge of the Office of Administrative Hearings, presiding.

The Panel members were:

James Holman, M.D., Chairperson

Edward Bryan, D.D.S.

Charlotte Forté-Taylor

Antonio J. Merino, Deputy Attorney General, represented the Complainant. Respondent John A. Flowers, M.D., was accorded service of process as required by law in that complainant complied with Sections 11505 and 11509 of the Government Code; however, respondent did not appear at the hearing, nor was he represented. Evidence both oral and documentary having been introduced and the matter submitted, the members of the Panel then considered the matter. The Administrative Law Judge was present during the Panel's consideration of the case. The Panel finds the following facts:

I

Complainant Kenneth J. Wagstaff is the Executive Director of the Board of Medical Quality Assurance of the State of California (hereinafter "Board") and brought the accusation

and petition to revoke probation herein solely in his official capacity.

II

On September 17, 1976, respondent John Alonso Flowers, Sr., M.D. (hereinafter "respondent") was issued physician's and surgeon's certificate number C-037121 by the Board.

III

A. On January 6, 1983, the Division of Medical Quality (hereinafter "Division") by its "Decision After Court Remand," Case No. D-2538 and L-21480, revoked respondent's certificate to practice as a physician and surgeon pursuant to his violation of Business and Professions Code Section 2361(d) (now renumbered 2234(d) by reason of his twelve acts of incompetency involving seven patients, ages three months to seventeen years. Following the denial of respondent's petition for writ of mandate, the decision became final on August 22, 1983.

B. In its Decision, the Division ordered that if respondent satisfied the following condition precedent the order of revocation would then be stayed and respondent would be placed on probation:

CONDITION PRECEDENT: "1. Within 60 days of the effective date of this decision, respondent shall take and pass an oral clinical examination in general medicine, with emphasis on the shortcomings revealed in this decision, to be administered by the Division or its designee. If respondent fails this examination, respondent must wait three months between re-examinations, except that after three failures respondent must wait one year to take each necessary re-examination thereafter. The Division shall pay the cost of the first examination and respondent shall pay the costs of any subsequent examinations.

Respondent shall not practice medicine until respondent has passed this examination and has been so notified by the Division in writing."

C. In the event respondent fulfilled said condition precedent, the Division further ordered that respondent be placed on probation for seven (7) years subject to certain terms and conditions, including but not limited to the following:

"2. Within 90 days of the effective date of this decision, and on an annual basis thereafter, respondent shall submit to the Division for its prior approval an

education program or course related to the medical subjects that require the most strengthening by respondent, as revealed in this decision, which shall not be less than 50 hours per year, for each year of probation. This program shall be in addition to the Continuing Medical Education requirements for re-licensure. Following the completion of each course, the Division or its designee may administer an examination to test respondent's knowledge of the course."

"7. Respondent shall comply with the Division's probation surveillance program.

8. Respondent shall appear in person for interviews with the Division's medical consultant upon request at various intervals and with reasonable notice."

IV

On May 1, 1985, the Division issued its decision in a case entitled "In the Matter of the Petition for Reinstatement of Revoked Certificate of: John A. Flowers, Sr., M.D., Case No. L-34462, in which the petition for reinstatement of respondent was denied. Cause existed to refuse reinstatement of his certificate as respondent had not taken the oral clinical examination as required as a condition precedent to the stay of the revocation of his license nor had he done anything to rehabilitate himself from the incompetency which gave rise to the revocation of his certificate. Moreover, respondent refused to respond or cooperate with the Division, practiced medicine while unlicensed, knowingly made a misrepresentation of a material fact, and refused to accept or acknowledge his incompetent acts.

V

On October 10, 1985, respondent again filed a Petition for Reinstatement of Revoked Certificate; said petition is presently pending.

VI

At all times since August 22, 1983, respondent's physician's and surgeon's certificate has been revoked and he has not been licensed to practice medicine in the state of California. Respondent has never taken the oral clinical examination required as a condition precedent to the stay of the order of revocation of his license.

VII

Respondent practiced medicine without being licensed from August 22, 1983 as follows:

A. From August 1, 1983 to August 1, 1984, respondent was employed as a physician and surgeon by Southern California Permanente Medical Group on a per-diem basis in the Pediatrics Department, with actual days of work of August 6, 10, 21, 27, and 29; September 11, 14, and 28; and October 2, 4, 7, 27, and 28, all in the year 1983.

B. Respondent was employed as a staff physician by Physician's House Call Medical Group from August 1983 through March 24, 1984. The group specialized in making house calls to the elderly. On March 13, 1984 respondent executed the death certificate of a 95 year old female, certifying that he had attended her from February 14, 1984 to March 8, 1984.

VIII

Respondent committed an act of dishonesty substantially related to the qualifications, functions and duties of a physician. He misrepresented a material fact in his pending "Petition for Reinstatement of Revoked Certificate" by stating that he was not then practicing medicine and had been unemployed for the previous four years.

In truth and in fact, respondent practiced medicine and was employed during 1983 and 1984 as set forth in Findings VII-A and B, hereinabove.

IX

Respondent wilfully, deliberately, and knowingly violated the terms of probation by reason of his failure and refusal to take the oral clinical examination required by condition precedent 1 and his refusal to cooperate with Division as required by conditions 7 and 8 of probation. In September 1983, the Division's medical consultant and probation surveillance officer fully apprised respondent of the terms of condition precedent 1 and each and every condition of probation. Thereafter, the Division duly served notice upon respondent of his failure to submit for approval a continuing medical education course as required by conditions 2 and 7 and to take the oral clinical examination; the Division also requested him to report pursuant to condition 8. Respondent has consistently failed and refused to comply with said requirement and conditions.

X

The evidence failed to establish that, with due regard for the public safety and welfare, respondent's revoked certificate should be restored. Respondent continues to pose a significant danger of harm to the public and has done nothing since the revocation of his license to rehabilitate himself.

* * * * *

Pursuant to the foregoing findings of fact, the Panel makes the following determination of issues:

I

Grounds for disciplinary action against respondent's certificate and the revocation of his probation exist pursuant to Business and Professions Code Sections 2234(a) and 2306 by reason of respondent's practice of medicine while unlicensed as set forth in Findings VII-A and B, hereinabove.

II

Grounds for disciplinary action against respondent's certificate and the revocation of his probation exist pursuant to Business and Professions Code Section 2234(e) by reason of respondent's act of dishonesty substantially related to the qualifications, functions and duties of a physician as set forth in Finding VIII, hereinabove.

III

Grounds for the revocation of respondent's probation exist by reason of his violation of the terms of his probation as set forth in Finding IX, hereinabove.

IV

Cause does not exist for the reinstatement of petitioner's revoked certificate as the public interest would be adversely affected by such reinstatement at this time.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

1. The petition of John A. Flowers, Sr., M.D. for reinstatement of his revoked certificate is hereby denied.

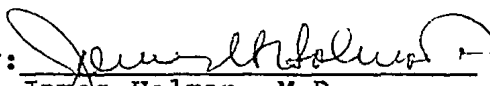
2. The stay order is set aside and the order of revocation of respondent's certificate is reimposed.

3. Physician's and Surgeon's Certificate No. C-037121 and all licensing rights thereunder heretofore issued to John Alonso Flowers, Sr., M.D., by the Board are hereby revoked, separately and severally, to each ground for disciplinary action set forth in the Determination of Issues, hereinabove.

This Decision shall become effective thirty (30) days
after service thereof on the parties.

IT IS SO ORDERED this 19 days of September, 1986.

PANEL OF DISTRICT XI
MEDICAL QUALITY REVIEW COMMITTEE
DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By: 
James Holman, M.D.
Acting Chairperson

MCG:btm

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BEFORE THE DIVISION OF MEDICAL QUALITY
 BOARD OF MEDICAL QUALITY ASSURANCE
 DEPARTMENT OF CONSUMER AFFAIRS
 STATE OF CALIFORNIA

In the Matter of the Accusation) NO. D-3465
and Petition To Revoke Probation Against:)
) ACCUSATION AND
John A. Flowers, M.D.) PETITION TO
23310 Marigold Street, Apt. 103) REVOKE PROBATION
Torrance, California 90502)
Physician's and Surgeon's)
Certificate No. C-037121,)
)
Respondent.)

Complainant, Kenneth J. Wagstaff, alleges as follows:

1. He is the Executive Director of the Board of Medical Quality Assurance of the State of California (hereinafter "Board") and brings this accusation and petition to revoke probation solely in his official capacity.

2. On or about September 17, 1976, respondent John Alonso Flowers, Sr., M.D. (hereinafter "respondent") was issued physician's and surgeon's certificate number C-037121 by the Board. On or about January 6, 1983, the Division of Medical Quality (hereinafter "Division") by its "Decision After Court

1 Remand" revoked respondent's certificate to practice as a
2 physician and surgeon but stayed said revocation and placed
3 respondent on probation. A true copy of said decision is
4 attached hereto as "Annex A" and incorporated herein. Following
5 the denial of a petition for writ of mandate, the decision became
6 final on August 22, 1983.

7 3. On or about May 1, 1985, the Division issued its
8 decision in a case entitled "In the Matter of the Petition for
9 Reinstatement of Revoked Certificate of: John A. Flowers, Sr.,
10 M.D." in which the petition for reinstatement of respondent was
11 denied. A true copy of said decision is attached hereto as
12 "Annex B" and incorporated herein.

13 4. Condition 1 of respondent's probation requires
14 respondent to take and pass an oral clinical examination and
15 prohibits him from practicing medicine until he is so notified in
16 writing.

17 5. Conditions 7 and 8 of probation require respondent
18 to comply with the Division's probation surveillance program and
19 to appear in person for interviews with the Division's medical
20 consultant upon request at various intervals with reasonable
21 notice.

22 6. Pursuant to the provisions of sections 2227, 2228,
23 2229, and 2234 of the Business and Professions Code (all
24 sectional references are to the Business and Professions Code
25 unless otherwise noted), the Division of the Board may discipline
26 any holder of a certificate who is guilty of unprofessional
27 conduct.

1 7. Section 2234 provides that the Division shall take
2 action against any licensee who is charged with unprofessional
3 conduct, which includes (a) violating or attempting to violate,
4 directly or indirectly, or assisting in or abetting the violation
5 of, or conspiring to violate, any provision of the Medical
6 Practice Act and (e) the commission of any act involving
7 dishonesty or corruption which is substantially related to the
8 qualifications, functions, or duties of a physician and surgeon.

9 8. Section 2306 provides as follows:

10 "If a licensee's right to practice medicine is
11 suspended, he or she shall not engage in the practice of
12 medicine during the term of such suspension. Upon the
13 expiration of the term of suspension, the certificate
14 shall be reinstated by the Division of Medical Quality,
15 unless the licensee during the term of suspension is
16 found to have engaged in the practice of medicine in
17 this state. In that event, the division shall revoke
18 the licensee's certificate to engage in the practice of
19 medicine."

20 9. Respondent is subject to disciplinary action
21 pursuant to sections 2234(a) and 2306 and his probation is
22 subject to revocation in that he practiced medicine while
23 unlicensed. The circumstances are as follows:

24 Commencing at a time unknown to complainant but at least
25 in August 1983 through May 1984, respondent practiced medicine
26 without being licensed in that he continued to practice medicine
27 after the effective date of the decision set forth in Annex A and

1 failed to take an oral clinical examination.

2 10. Respondent is subject to disciplinary action
3 pursuant to section 2234(e) and his probation is subject to
4 revocation in that he committed an act of dishonesty or
5 corruption which is substantially related to the qualifications,
6 functions and duties of a physician. The circumstances are as
7 follows:

8 On or about January 10, 1985, respondent filed a
9 "Petition for Reinstatement of Revoked Certificate" before the
10 Division in which he stated that he was not then practicing
11 medicine and had been unemployed for the four previous years. In
12 fact, petitioner had been practicing medicine during 1983 and
13 1984.

14 11. Respondent's probation is subject to revocation in
15 that he has violated the terms of probation as follows:

16 A. Respondent has failed and refused to take the
17 oral clinical examination required by condition 1 of
18 probation.

19 B. Respondent has refused to cooperate with the
20 Division as required by conditions 7 and 8 of probation.

21 WHEREFORE, complainant prays that the Division conduct a
22 hearing on the matters alleged herein and following said hearing,
23 issue a decision.

24 1. Setting aside the stay order and imposing revocation
25 of respondent's certificate;

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27 /

1 2. Taking such action as provided in sections 2227 and
2 2228; and

3 3. Taking such other and further action as it deems
4 proper.

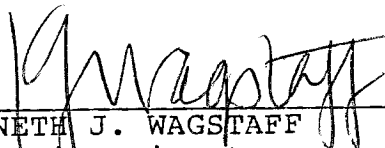
5 DATED: February 14, 1986.

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KENNETH J. WAGSTAFF
Executive Director
Board of Medical Quality Assurance

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Complainant

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ANNEX A

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	
Against:)	
)	
JOHN ALONSO FLOWERS, M.D.)	NO. D-2538
23310 Marigold Street, Apt. 103)	
Torrance, California 90503)	L-21480
)	
Physician's and Surgeon's)	
Certificate No. C-037121,)	
)	
Respondent.)	

DECISION AFTER COURT REMAND

This decision is made to comply with a Superior Court writ remanding the case for reconsideration.

Here is the history. The administrative hearing was held at Los Angeles, California on March 30 and 31, 1981, April 1, 3, 6, 7 and 9, 1981, before Administrative Law Judge Milford A. Maron from the Office of Administrative Hearings. William Carter and Antonio J. Merino, Deputies Attorney General, appeared for complainant. Respondent John Alonso Flowers, M.D. was represented by his counsel, Artis C. Grant, Jr., Esq. A proposed decision was not adopted by the Division of Medical Quality. The Division proceeded to decide the case itself upon the record, including the transcript. The parties were given the opportunity to present both oral and written arguments to the Division.

The Division's decision dated November 25, 1981, with an effective date of December 28, 1981, was challenged by respondent who filed for judicial review. At this stage, respondent changed attorneys by retaining John B. Rice, Esq., 1930 Wilshire Boulevard, Suite 700, Los Angeles, CA 90057.

Although many findings of incompetency were sustained, the Superior Court ruled that numerous other findings were improper or deficient. Therefore, the court ordered the case remanded to the Division for reconsideration in light of the court's rulings.

In compliance, the Division hereby sets aside its prior decision dated November 25, 1981.

Having reconsidered the matter, the Division now makes this new decision (with member Barry Warshaw, M.D. abstaining from participation and vote):

FINDINGS OF FACT

I

The standard of proof used by the Division is clear and convincing proof to a reasonable certainty.

II

Complainant Robert Rowland made the Accusation and Amendment to Accusation in his official capacity as Executive Director of the Board of Medical Quality Assurance.

III

Respondent was issued his California physician's certificate No. C-037121 on September 17, 1976, and that certificate is still in full force and effect.

IV

As the primary care physician to the following named patients, respondent performed the following medical activities with respect to them:

A. D. M., hospital number 530944, St. Francis Medical Center.

(1) This three-month old infant was admitted by respondent to St. Francis Medical Center on March 22, 1978, with a diagnosis of gastroenteritis and five percent dehydration.

(2) The infant's diet had been changed to Nutramigen Formula two days prior to admission. Respondent misdiagnosed the patient's condition. There was no evidence of dehydration.

(3) Respondent prescribed oral Ampicillin for the patient, a medication which can itself cause loose stools. The patient had no infection which warranted treatment with Ampicillin.

B. M. J. [REDACTED], hospital number 1025627-9,
Dominguez Valley Hospital:

(1) This 17-year-old girl was admitted by respondent on January 17, 1978, with a complaint of recurrent abdominal pain.

(2) Respondent failed to recognize that the X-ray finding of constipation was the most probable cause of the patient's abdominal pain. Respondent prescribed I.V. Gentamycin and I.V. Penicillin.

C. A. [REDACTED] C. [REDACTED], hospital number 1024775-7,
Dominguez Valley Hospital:

(1) Respondent admitted this patient, an eight-month-old child on December 14, 1977, with a diagnosis of subacute gastroenteritis, tracheo-bronchitis, acute weight loss, and five to seven percent dehydration.

(2) Two days prior to hospitalization, respondent prescribed Tigan suppositories for vomiting. At that time, the child had recurrent diarrhea.

(3) When contaminated urine cultures revealed a small growth of E. Coli, respondent prescribed I. M. Kanamycin, a potentially dangerous drug.

D. B. J. [REDACTED], (2nd visit), hospital number 1021106-8, Dominguez Valley Hospital:

(1) This three-year-old child was admitted by the respondent on July 29, 1977, with a diagnosis of Grand Mal seizures and discharged on August 3, 1977.

(2) Respondent continued treating the child at his clinic through March 1979. Respondent failed to check barbituate levels prior to discharge.

E. L. [REDACTED] M. [REDACTED], hospital number 102116-7,
Dominguez Valley Hospital:

(1) On July 30, 1977, respondent admitted the patient, a nine-month-old child with a diagnosis of croup: acute upper airway obstruction. Respondent discharged the patient on August 3, 1977.

(2) During the hospitalization, respondent ordered three stool cultures, three ova and parasites, blood, urine, nose, and throat cultures, BUN, electrolytes, and sugar. These tests were unnecessary.

(3) During the whole course of his hospitalization, the patient was treated with one teaspoon Dimetapp, four times a day; Robitussin DM, one teaspoon, four times a day; aspirin, two and one-half grains, every six hours; and Tylenol Elixir, 5 cc., every six hours. The dosage of Dimetapp was excessive and unnecessary. The dosage of Robitussin DM was excessive. The dosage of Tylenol Elixir was excessive and potentially toxic.

(4) The patient was discharged on August 3, 1977. On August 2, 1977, nurses' notes indicated tarry stools. Sixteen hours prior to discharge, the patient's temperature rose to 102.6 degrees. Respondent failed to note or follow-up these developments.

F. D. P., hospital number 1018931-4,
Dominguez Valley Hospital:

(1) On May 3, 1977, respondent admitted the patient, a four-year-old child, with a diagnosis of acute abdomen, acute gastroenteritis, and possible intestinal obstruction.

(2) The patient was sufficiently well to be discharged on May 5, 1977. Respondent failed to discharge the patient until May 7, 1977.

G. D. R., hospital number 1021474-0,
Dominguez Valley Hospital:

(1) On August 13, 1977, respondent admitted the patient, a five-month-old child, with a diagnosis of "rule-out hiatus hernia, achalasia, acute gastritis, acute weight loss, and rule-out pyloric stenosis, congenital."

(2) The patient was not acutely ill or acutely distressed.

V

A. The evidence abundantly established that respondent often provided patients with care which placed them unnecessarily in physical jeopardy, e.g.:

(1) Patient M [REDACTED] J [REDACTED] was given the potentially toxic drug Gentamycin;

(2) Patient C [REDACTED] was given the drug Kanamycin, a drug which may permanently impair hearing;

(3) Patient M [REDACTED] was treated with a potentially toxic dosage of Tylenol Elixir; and

B. Although the evidence established a certain lack of skill and over-utilization of drugs with potentially hazardous results to patients, the following disposition provides reasonable safeguards for the community served by respondent while continuing respondent's licensure.

VI

All allegations not heretofore found to be true above are hereby deemed to be not proven by clear and convincing evidence to a reasonable certainty.

DETERMINATION OF ISSUES

Cause for disciplinary action exists against respondent pursuant to Business and Professions Code section 2361(d) (now renumbered 2234(d)) by virtue of acts of incompetence found to exist in Findings III A(2), A(3), B(2), C(3), D(2), E(3), E(4), F(2), and G(2); and Findings V A(1), A(2), and A(3).

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

Certificate No. C-037121 issued to respondent John Alonso Flowers, M.D. is revoked.

However, revocation is stayed upon satisfaction of condition No. 1 below, which is a condition precedent to the stay. Thereafter, respondent is placed on probation for seven years upon the following terms and conditions:

1. Within 60 days of the effective date of this decision, respondent shall take and pass an oral clinical examination in general medicine, with emphasis on the shortcomings revealed in this decision, to be administered by the Division or its designee. If respondent fails this examination, respondent must wait three months between re-examinations, except that after three failures respondent must wait one year to take each necessary re-examination thereafter. The Division shall pay the cost of the first examination and respondent shall pay the costs of any subsequent examinations.

Respondent shall not practice medicine until respondent has passed this examination and has been so notified by the Division in writing.

2. Within 90 days of the effective date of this decision, and on an annual basis thereafter, respondent shall submit to the Division for its prior approval an education program or course related to the medical subjects that require the most strengthening by respondent, as revealed in this decision, which shall not be less than 50 hours per year, for each year of probation. This program shall be in addition to the Continuing Medical Education requirements for re-licensure. Following the completion of each course, the Division or its designee may administer an examination to test respondent's knowledge of the course.

3. Respondent is prohibited from engaging in solo practice. Within 60 days of the effective date of this decision, respondent shall submit to the Division, and receive its prior approval, for a plan of practice limited to a supervised, structured environment in which respondent's activities will be overseen and supervised by another physician.

4. Whenever respondent has a patient admitted to a hospital, respondent shall, within 24 hours of admission, consult with a board certified specialist in the appropriate field regarding that hospitalized patient.

5. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in California.

6. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Division, stating whether there has been compliance with all the conditions of probation.

7. Respondent shall comply with the Division's probation surveillance program.

8. Respondent shall appear in person for interviews with the Division's medical consultant upon request at various intervals and with reasonable notice.

9. In the event respondent should leave California to reside or to practice outside the State, respondent must notify in writing the Division of the dates of departure and return. Periods of residency or practice outside California will not apply to the reduction of this probationary period.

10. Upon successful completion of probation, respondent's certificate will be fully restored.

11. If respondent violates probation in any respect, the Division, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the Division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

This decision becomes effective on February 7, 1983.

SO ORDERED January 6, 1983.

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE

By 

MILLER MEDEARIS
Secretary-Treasurer

FL:jw

ANNEX B

STATE OF CALIFORNIA

In the Matter of the Petition)
for Reinstatement of Revoked)
Certificate of:)
) L-34462
)
JOHN A. FLOWERS, SR., M.D.)
)
)
)
)
)
Petitioner.)

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introduced, the matter argued and submitted, and the members of the Panel proceeded to consider the matter. The Administrative Law Judge was present during the Panel's consideration of the case. The Panel finds the following facts:

I

On January 6, 1983, the Division of Medical Quality by its "Decision After Court Remand" in Case No. 2538 (L-21480) revoked the petitioner's certificate to practice as a physician and surgeon pursuant to Business and Professions Code Section 2234(d) for twelve (12) acts of incompetence.

The Division stayed said revocation subject to various terms and conditions; including a condition precedent to the stay, that respondent within sixty (60) days of the effective date of the Decision, take and pass an oral clinical examination (with certain terms applicable in the event that respondent failed the examination). In no case was respondent to practice medicine until he passed the exam and got notice in writing from the Division.

After respondent's unsuccessful challenge of said Decision in the courts, the Decision become final on August 22, 1983.

II

Respondent has never taken the oral clinical examination required as a condition precedent to the stay of the revocation of his license.

III

By petition dated January 10, 1985, petitioner has applied for restoration of his revoked certificate, which petition is presently pending.

IV

The evidence failed to establish that, with due regard for the public safety and welfare, petitioner's revoked certificate should be restored. Respondent has done nothing since the disciplinary hearing in Case No. 2538 (L-21480) to rehabilitate himself from the acts giving rise to the discipline.

He has refused to respond or cooperate with the Division in any respect; has practiced medicine while unlicensed; made a knowing misrepresentation of a material fact (as to his employment) on his petition herein; and refuses to accept or acknowledge the incompetent acts that he committed.

* * * * *

Pursuant to the foregoing findings of fact, the Panel makes the following determination of issues:

Cause does not exist for the reinstatement of petitioner's revoked certificate and the public interest would be adversely affected by such reinstatement at this time.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:


The petition of John A. Flowers, Sr., M.D. for reinstatement of his revoked certificate is hereby denied.

This Decision shall become effective thirty (30) days after service thereof on the parties.

IT IS SO ORDERED this 1st day of May, 1985.

PANEL OF DISTRICT XI
MEDICAL QUALITY REVIEW COMMITTEE
DIVISION OF MEDICAL QUALITY ASSURANCE
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

BY:


MAXWELL M. ANDLER, JR., M.D.
Acting Chairperson

RAN:btm